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ABSTRACT

This pamphlet presents school desegregation guidelines for local and State education associations. The guidelines were adopted by the National Education Association (NEA) Board of Directors in February 1980, and are an updated version of guidelines adopted in 1974. Bilingual and multicultural concerns are addressed to some degree. Three introductory sections discuss general desegregation effects, the role of and advantages for teachers in desegregation efforts, and recent court cases. Guidelines are then given under these headings: general principles; assignment of educational personnel; the instructional program; student rights; school governance; the local association; the State association; and desegregation of multiple school districts. Next, factors contributing to resegregation are discussed; these include "white flight," standardized and competency-based tests, displacement of ethnic minority students and educators, and the elimination of special programs geared to the needs of specific groups. In a conclusion, local associations are advised to monitor every step of the desegregation process. Three appendices provide NEA resolutions on desegregation and integration and on student testing, a selected bibliography, and a list of resources available to local leaders involved in desegregation. (KH)

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SCHOOL DESEGREGATION GUIDELINES FOR LOCAL AND STATE EDUCATION ASSOCIATIONS

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National Education Association of the United States
1201 Sixteenth Street, N.W. Washington, D.C. 20036

SCHOOL DESEGREGATION GUIDELINES FOR LOCAL AND STATE EDUCATION ASSOCIATIONS

These Guidelines were adopted by the NEA Board of Directors in February 1980 and are an updated version of the Guidelines adopted in 1974. This revision includes a review of the latest relevant court cases in the area of desegregation and gives some focus to bilingual and multicultural concerns.

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National Education Association, May 1980

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INTRODUCTION

The 1954 Supreme Court decision in *Brown v. Board of Education* declared that "separate but equal" schools have no place in public education and that separate educational facilities are inherently unequal. Subsequent litigation and legislation have expanded and refined the general thrust of that landmark decision.

However, progress toward desegregation has been limited at best. Efforts to end past illegal segregation have been marked by resistance from local, state, and national leaders and by divisive debates that have skirted the substantive issues.

Large numbers of Black teachers and principals have been dismissed or demoted in the wake of desegregation in Southern school systems. Although significant progress has been made in many cities, particularly in the South, children in many urban areas are more segregated now than they were 25 years ago.

With few exceptions school districts have failed to take action to desegregate unless there has been a threat of legal action or direct order of the courts, the Department of Health, Education and Welfare (HEW), or the states. Although some school districts have moved voluntarily to desegregate and to expand educational opportunities for ethnic minority students, many more have sought to avoid their constitutional responsibilities. At the present time, perhaps 700 to 800 school districts are still in the process of implementing desegregation plans, and many more have taken no action at all.

The Emergency School Assistance Act (ESAA) provides funds to assist school systems in desegregating. Although the availability of such funds has reduced resistance to desegregation, experience has shown that both mandatory requirements and incentives will be necessary to effect significant changes.

The United States Commission on Civil Rights concluded in a 1976 report, *Fulfilling the Letter and Spirit of the Law*, that among other things, desegregation has produced the following results:

- Students consistently adjust to school desegregation.
- Many desegregated schools—faced with the need to provide instruction for students with a variety of backgrounds,

interests and skills—have begun to make the curriculum more responsive to a broad range of academic and emotional needs.

- Students are more supportive than their parents of desegregation.
- A dramatic, positive change in the attitudes of white parents occurs after desegregation.
- The quality of education is improved.
- Students who have experienced desegregation view it as a worthwhile experience and an essential preparation for life.

Great improvements can occur in the school program if desegregation is regarded as an opportunity to develop new programs, to expand educational horizons, to involve all in the system, and to break down barriers among teachers, students, and parents.

The purpose of this document is to suggest guidelines that will support effective school desegregation. These guidelines are directed at what local and state associations can or should do to guarantee the rights of teachers as school districts proceed to implement the intent and spirit of the law. These guidelines include basic philosophy, suggested actions, and possible strategies for associations involved in working with school districts on school desegregation. Although the document refers to public school districts, which usually operate programs from kindergarten through grade 12, many of the guidelines are appropriate for higher education institutions, non-public schools, and other institutions serving specific client groups.

NEA will provide technical assistance upon request to affiliates dealing with desegregation. Assistance is also available in desegregation situations involving higher education institutions and private schools.

TEACHERS AND DESEGREGATION

Teachers—individually as members of school district staffs and collectively as members of the organized teaching profession—have much at stake as the nation moves toward an integrated society.

Strains and stresses occur whenever fundamental social changes take place. These tensions have been especially apparent in past efforts to desegregate the schools. When teachers have ignored or opposed desegregation, the results have been conflict in the school and community, vandalism and violence, discipline problems, suspensions and expulsions, poor teacher and student morale, and general decline of educational quality in the school system. When teachers have taken aggressive and positive action, they have won respect of the communities, and teaching and learning conditions have significantly improved.

There is another important reason for teachers to be a part of the total desegregation process. When the association is effectively involved and when teachers are aware of their basic rights, unfair employment practices and contract violations are much less likely to occur. If teacher associations are involved from the beginning, their members will be more likely to be treated fairly.

Teacher associations have unique responsibilities and opportunities to represent the interests of their members and at the same time to improve the educational climate in the schools when desegregation and integration are being planned and implemented.

Successful efforts to bring about desegregation and integration are greatly facilitated by corollary efforts to provide appropriate involvement of association members. One means is provision for workshops and programs to strengthen teachers' understanding of their own role and that of the association in combatting the effects of discrimination, racism, and inequality of opportunity. Another means is the involvement of association representatives in planning, policy development, and coalition building.

Local, state, and national associations should always coordinate legal actions. State associations in particular should be prepared to assist in training local leaders to deal with the problems of school

desegregation and in protecting student and teacher rights. When the local cannot handle a problem, the state association should be prepared to act directly, in a manner which is consistent with national guidelines and policy.

Local and state associations should be mindful of the following precepts as they consider what actions to take with respect to desegregation.

1. Discrimination and segregation are illegal. As public employees, teachers have a responsibility to uphold the law. A whole new body of law is evolving as formerly separate, segregated educational institutions give way to desegregation. Litigation has substantially clarified the appropriate posture of teachers and their organizations.
2. The ultimate goal of desegregation is to provide the best educational experiences for students in the community. Those educational experiences must facilitate intergroup interaction and enhance appreciation for cultural differences. Often where desegregation has been accomplished technically, inadequate planning and implementation have left continuing racial and ethnic isolation. Teachers have a professional responsibility to seek truly integrated education, in which the cultures of all groups are appreciated.
3. Communities often respond differently to voluntary and involuntary plans for desegregation. A teacher association will usually find it advantageous to stimulate voluntary action even in the absence of a court or government directive mandating the reorganization of the school system.

Although civil rights organizations have technically taken the lead in coordinating legal actions, teacher associations can play vital roles in helping their school communities adjust to desegregation and in making integrated education work.

Assistance in planning for desegregation and integration or in resolving violations of rights is available from a number of sources, including:

- The National Education Association and its state and local affiliates

- The Office for Civil Rights of the U.S. Department of Education
- The Civil Rights Division of the U.S. Department of Justice
- The Community Relations Service of the U.S. Department of Justice
- The Equal Employment Opportunity Commission
- Local and state governmental agencies
- Civil rights and legal defense organizations, including the NAACP, the NAACP Legal Defense Fund, the Lawyers' Committee for Civil Rights, and the American Civil Liberties Union.

*The Department of Education became operational on May 4, 1980.

LEGAL DEVELOPMENTS IN SCHOOL DESEGREGATION

The legal history of school desegregation has attracted closer examination than virtually any other process in the history of the civil rights movement. While future directions of the Congress and the courts remain to some degree unclear, there can be no question that the events of the quarter-century since the Supreme Court decision in *Brown v. Board of Education*, 347 U.S. 483 (1954), sometimes referred to as *Brown I*, have led to fundamental changes in the role of education in every community in the nation.

Each stage of the process–gradualism and "all deliberate speed," massive resistance and more subtle schemes of avoidance, "freedom of choice," the use of student transportation as a necessary remedy, multidistrict cooperation and metropolitan desegregation, and recent controversies over "intent vs. effect"–has been highly controversial.

In *Brown v. Board of Education*, 349 U.94 (1955), also referred to as *Brown II*, the Court ordered segregated public school systems to "effectuate a transition to a racially nondiscriminatory school system . . . with all deliberate speed."

A decade after *Brown I*, in which little actual desegregation had taken place, Congress passed the Civil Rights Act of 1964, Title VI of which provided:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Title VI of the Civil Rights Act of 1964 led to the development of HEW's "Desegregation Guidelines," which have been periodically modified and refined as court rulings have further clarified school district obligations under the Equal Protection Clause of the Fourteenth Amendment to the Constitution and the Civil Rights Act.

Thirteen years after the implementation decision in *Brown II*, the Supreme Court, in *Green v. New Kent County School Board*,

391 U.S. 430 (1968), ruled unconstitutional the freedom of choice plans which did not work to produce desegregation. The Court declared that school boards under court order must take affirmative steps to eliminate school segregation and stated that "the burden on a school district today is to come forward with a plan that promises realistically to work, and promises realistically to work now."

Subsequently, in *Alexander v. Holmes County Board of Education*, 396 U.S. 19 (1969), the Court sounded the death knell for "all deliberate speed," requiring immediate dismantling of dual school systems. This decision was followed by *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971), which upheld an order requiring integration through various devices including cross-district busing and noncontiguous zoning. The Court affirmed the power to order two-way busing, stating that "once a right and a violation have been shown, the scope of a district court's equitable power to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies." In *Swann*, the Court also held that racial ratios could be used as a "starting point" in fashioning equitable relief and ruled that transportation of students was an appropriate tool to use in desegregating the schools, unless the time or distance of travel was so great as either to risk the health of the children or impinge significantly on the educational process.

Keyes v. School District No. 1, Denver, Colorado, 413 U.S. 189 (1973), was the Supreme Court's first decision on school desegregation outside the South. This decision involved the constitutional standards by which the legality of school segregation in school systems in the North and West was to be judged. A significant part of the ruling was a finding that districtwide remedies could rest on a finding of intentional discrimination in only one part of the district. The Court stated:

> Where plaintiffs prove that the school authorities have carried out a systematic program of segregation involving a substantial proportion of the students, schools, teachers, and facilities, a finding that the entire district is a dual, segregated one is authorized, absent a showing that the entire district is divided into clearly unrelated units. And once a city-wide finding is made, the usual remedies from *Brown II* to *Swann* are applicable.

The *Keyes* decision, along with *Swann*, has been a primary target of attempts by some Congressional leaders, some judges, and

some other officials to prohibit or limit busing as a remedial tool. In recent years, guidance of the Court has been inconclusive as to the future of efforts to bring about effective desegregation in many of those districts which have so far successfully resisted change. Recent Supreme Court orders, however, notably those in *Columbus Board of Education v. Penick*, 99 S. Ct. 2941 (1979), and *Dayton Board of Education v. Brinkman*, 99 S. Ct. 2971 (1979), indicate the Court will continue to uphold comprehensive desegregation orders where past intent to discriminate has been established.

Another important issue, North and South, is whether, and to what extent, the Constitution mandates desegregation on a metropolitan basis. In *Milliken v. Bradley*, 418 U.S. 717 (1974), the Court reversed orders directing metropolitan desegregation throughout the Detroit metropolitan area. The Court made it clear, however, that it would uphold such a remedy if an interdistrict violation were demonstrated. Such a case was *Evans v. Buchanan*, 423 U.S. 963 (1975), involving the Wilmington metropolitan area, in which the Court upheld a lower court order requiring merger of school districts in Wilmington and New Castle County, Delaware. The basis of the order was the enactment of legislation by the state having a substantial segregative effect on the city and suburban districts sufficient to allow an interdistrict remedy. Other metropolitan desegregation cases are pending before the courts.

Pertinent federal standards relating to faculty desegregation are found in a January 14, 1971, HEW memorandum on *Nondiscrimination in Elementary and Secondary School Staffing Practices*, which is available from NEA Teacher Rights. Additional requirements for districts receiving federal desegregation assistance are found in the HEW regulations for the Emergency School Assistance Act.

MINIMUM GUIDELINES

Teacher associations must actively participate in the desegregation process because–

1. They have a responsibility to seek optimum educational opportunity for every student.
2. They have a responsibility to protect the employment rights of teachers as school systems desegregate.

The following guidelines are presented for the use of teacher associations *within school districts* facing desegregation. The guidelines are grouped in the following areas:

- General Principles
- Assignment of Educational Personnel
- The Instructional Program
- Student Rights
- School Governance
- The Local Association
- The State Association

Additional guidelines are suggested for desegregation of metropolitan areas or multiple school districts.

General Principles

1. The plan for restructuring the school system should seek to overcome the effects of past discrimination and segregation and prevent the emergence of new patterns of racial and ethnic isolation or discrimination.
2. Every effort should be made to eliminate the element of surprise. Early involvement of those affected is vital. Teachers, students, parents, community representatives, and others should have continuing and accurate information whenever changes are contemplated.
3. The burden of dismantling dual systems and eliminating discrimination should not fall on the victims of discrimina-

tion. Adjustments necessary to accomplish school integration should be borne by the entire community, regardless of prior social privilege or economic status. Reciprocity and equity in all activities should be expected. If an undue burden is placed on one segment of the community, as it is by one-way busing or closing of schools attended by ethnic minority or poor students, the plan should be revised.

4. In districts where there is a significant number of ethnic minority students, any necessary reassignment of faculty should be designed to bring about an even ethnic minority allocation. In all cases minimum timetables should be established for affirmative action programs under which all schools will achieve and maintain a proportion of ethnic minority teachers and administrators which substantially reflects the proportion of ethnic minority students of the same groups in the school district population.
5. The teaching faculty in each school should include members of all ethnic minority groups, especially those substantially represented in the system, in order to increase levels of understanding and acceptance among groups and to ensure educational diversity in every school. Ethnic minority and nonminority students alike need to see ethnic minority educators in positions of authority and responsibility.
6. While each school district should carry on recruitment programs to employ minority faculty, no teacher presently employed should be dismissed or laid off in order to implement the program. School systems should take advantage of any increase in staff-student ratios to create smaller classes, increase instructional services, and provide supplementary services to students. Desegregation should never result in dismissal or demotion of staff for any reason, even if there is a loss of revenue through reduction of the average daily attendance figure or the school millage rate.
7. Associations should oppose any demotion, dismissal, or reduction in salary because of desegregation or its effects. Where consolidation of school programs necessitates reassignment of any teacher or administrator, the local association, supported by state and national associations, should exert every effort to prevent or reverse reductions in status, authority, or responsibility. Neither teachers nor students should be required to bear the burden of correcting past illegal practices of the district or its administration.

8. Ethnic minority educators should be employed, with appropriate status and responsibility, at all levels of authority in individual schools and in school district offices. Where ethnic minority educators hold such positions, they should be retained. They should be recruited for positions at all levels.
9. When faculty reassignment results from desegregation efforts, no teacher should be moved into a situation likely to result in his or her racial or ethnic isolation.
10. Faculty desegregation plans should be implemented only in the context of comprehensive, systemwide plans to correct conditions of student segregation and discrimination or where past employment and placement practices have been discriminatory.

Assignment of Education Personnel

1. The local association should be given the opportunity to take an effective part, preferably through collective bargaining, in the making of decisions affecting recruitment processes, assignment of school staff, evaluation procedures, voluntary transfers, and employment rights and benefits.
2. Cooperative efforts by community representatives, parents, and teachers should be pursued in developing and implementing policies affecting teacher recruitment, assignment, promotion, demotion, transfer, and dismissal.
3. Unfair and arbitrary tests such as the National Teacher Examination should under no circumstances be used as standards for certification, recruitment, assignment, promotion, transfer, or dismissal of teachers or other education personnel.
4. Voluntary transfers, including transfer within schools, should be permitted and encouraged to the extent possible in order that involuntary actions will be reduced to their absolute minimum.
5. Objective standards should be cooperatively established for protection of the rights of ethnic minority members, equitable faculty distribution in all schools and administrative staffs, and fairness of transfer actions affecting individuals and groups of educators.

6. Any necessary involuntary transfers of teachers should be based as much as possible on seniority: that is, those with the least seniority should be the first available for transfer or reassignment. To ensure educational continuity in each school affected by necessary transfers, however, a nucleus of the strongest staff members of all racial and ethnic-minority groups, and particularly those with the best relationships with students, parents, and communities, should be retained.
7. Teachers who are reassigned should be encouraged by the local association to accept the assignment. Any teacher refusing reassignment should be permitted to resign without prejudice to future employment elsewhere. Special procedures consistent with negotiated grievance policies should be provided to expedite complaints of discrimination, contract violations, or unusual hardship at the time of reassignment.
8. Teachers should be transferred with partners or teams from one school to another to assist in orderly transition and to prevent feelings of isolation and alienation among those transferred.
9. Certificated teachers assigned to state or federally funded programs which will end upon termination of the funding should have contractual and employment rights equal to those in regular programs, with provisions for teachers to maintain their status. In the event such programs are discontinued, they should have the right to return to their appropriate areas of certification.

The Instructional Program

1. Every school district should be required to establish multiethnic and multicultural approaches in curriculum development.
2. All instructional materials used in the school should–
   a. Provide equitable treatment of ethnic minorities and women.
   b. Reflect the cultural pluralism and multiethnic makeup of the nation and the world.

c. Provide abundant, fair, and well-balanced recognition of racial and ethnic minorities in a variety of activities, roles, and occupations.

d. Portray graphically in content and illustration the component racial and ethnic groups of the United States, including American Indians/Alaska Natives; Asian Americans and Pacific Islanders; Chicanos, Puerto Ricans, and other Hispanic Americans; Black Americans; and white Americans.

e. Analyze intergroup tension and conflict fairly, frankly, and objectively, emphasizing the resolution of social problems in ways that carry out democratic values and goals.

f. Clarify and present factually the historical and contemporary forces and conditions which operate to the disadvantage of ethnic minority groups.

g. Portray racial and ethnic groups, with their similarities and differences, in such a way as to build positive images.

h. Suggest a multicultural curriculum and a wide range of teaching strategies that teachers may use to work effectively with all students.

3. In-service education programs relating to all aspects of desegregation and integration should be mandatory for all school support staff who come into contact with children, including custodians, school secretaries, and school nurses. These in-service programs should cover multicultural curriculum approaches.

4. Bilingual, multicultural, and other programs designed to meet the educational needs of specific student populations should not be dispersed, reduced, or eliminated as a result of the implementation of desegregation plans. Ethnic minority students should have access to teachers, counselors, and administrators of the same groups.

Student Rights

1. The local association should establish a committee to review and oversee implementation of policies affecting rights of students. This committee should include student representatives selected by the students.

2. Students should be permitted and encouraged to select their own representatives to advisory committees and councils.
3. Assignment of students to special education and compensatory programs should be carefully evaluated and regulated to prevent unfair or disproportionate consequences for ethnic minority students. Tracking programs and any other devices which unconstitutionally create, promote, or perpetuate separatism or polarization should be abolished. Parents should be informed of their rights to challenge placement of their children and to request their transfer to other programs.
4. Individual tests of intelligence and group standardized achievement tests should not be used in school districts that are undergoing desegregation. There is a tendency to resegregate through ability grouping on the basis of standardized test performance.
5. Specific attention should be given to the cultural and linguistic needs of bilingual and ethnic minority students regardless of linguistic and ethnic background. Programs should be designed to maintain and improve skills in native languages and cultures as well as English, and effective bilingual/multicultural experiences should be available to all students regardless of language background. Such programs should be staffed by teachers who are able to communicate with students whose primary language or dialect is not standard English.
6. In schools with neither bilingual nor ethnic minority children, opportunities for learning experiences with representatives of bilingual, multiethnic, and multicultural groups should be encouraged through such activities as visits at other school districts, extracurricular programs, and student exchanges.
7. Due process rights of students in serious disciplinary situations should be protected in all instances, and effective grievance procedures for students should be instituted immediately. Such procedures should include the right of students to receive fair and adequate notice, to confront and cross-examine witnesses, and to have the right to appeal as high as the state board of education. These procedures should be at least equal to those sought for teachers.

8. Teachers should be assisted where necessary to learn techniques and practices which will assure fair, firm discipline, with respect for due process rights, without regard to group identity. Double standards in discipline—the differential treatment of students on the basis of race, ethnic identity, sex, or other identification—are damaging to orderly educational processes.
9. Both ethnic minority and nonminority students should be equitably represented in individual school and school district governance structures. Specific procedures should be established to ensure equitable representation of ethnic minority students, with minimum guarantees, in the extracurricular program (student government, homecoming courts, and clubs, as appropriate).
10. School district affirmative action and assignment practices should seek to ensure the availability of ethnic minority teachers, counselors, and other educational personnel at least at the level of ethnic minority student representation in the student body so that students of all groups will have role models and authority figures to whom they can relate.

School Governance

1. Teachers should have the right through their recognized organizations to select their own representatives in the development and implementation of plans; in participation in building- and district-level advisory councils created pursuant to federal legislation, and in review and evaluation of curricular programs, in-service education activities, and achievement of objectives for school desegregation and integration.
2. Parents and students should have the right to select their own representatives on advisory bodies.
3. Ethnic minority communities should be represented with parity on advisory bodies in individual school and school district governing structures.
4. School board members, school administrators, and other officials who continue to discriminate or otherwise break the law should be aware that they may be subject to one or more of a wide range of penalties, including suspension,

recall, removal from office, personal financial penalties, contempt procedures, and criminal prosecution. Accountability should be assessed at the level of decision-making authority.

The Local Association

1. The local association should act at once wherever violations of teacher rights have occurred or are about to occur. The appropriate response may be personal appeal, grievance, community pressure, litigation, complaints to official agencies, political action, coalition development, or some other organizational activity.
2. Where a segregation suit has been filed against the school board, the association should consider moving to intervene—with the concomitant rights to present evidence and to appeal any adverse decision—in order to protect members' rights in transfer, reassignment, dismissal and exercise of contract rights and to prevent unnecessary disruption of the educational environment.
3. If the association is unable to enter as an intervening party, it should consider filing a friend of the court brief to assure protection of its members' rights.
4. In cases where there is no written contract in force or where the existing contract is inadequate to deal directly with the situation, associations should make every effort to obtain—through negotiation, legal action, and coalitions with parents, students, and community organizations—written board policies or contracts containing the following provisions:
   - Carefully delineated policies on curriculum
   - Protection of teacher rights
   - Grievance procedures
   - Faculty transfer and reassignment policies
   - Affirmative action plans
   - In-service education for all personnel, including teachers, librarians, counselors, building administrators, custodians, secretaries, central administrative staff,

and other personnel groups as well as school board members.

5. The local association should establish a committee or task force to oversee and review implementation of plans affecting curriculum, teacher rights, community involvement, and other factors.

The State Association

1. The state association should assist local associations in legal action and protection of member rights.
2. The state association should sponsor training programs for local leaders.
3. The state association should provide consultative services and other forms of assistance that will help members prepare for and adjust to change.

Desegregation of Multiple School Districts

The following guidelines, in addition to those enumerated above, are appropriate where two or more school districts are being consolidated as a means of achieving school desegregation.

1. Any plan for multidistrict or metropolitan desegregation should protect teacher rights by including the following provisions:
   a. Resolution of any problems of retirement, teacher tenure, and teacher contracts within existing laws.
   b. Guarantees that no teacher will be laid off or dismissed during any period of adjustment, reassignment, or reorganization.
   c. Guarantees that no new teacher will be hired or assigned to an area for which he or she is not fully certificated.
   d. Guarantees that teachers will have fixed assignments, not uncertain or roving assignments.
   e. Protection against the use of arbitrary evaluation procedures.

f. Retention of salary and economic fringe benefits, including pension rights, and other contract rights.

g. Clearly defined grievance and appeal procedures, to be in effect before and after any reassignment of staff.

h. Safeguards for continuity and consistency of work load and assignments throughout the affected districts.

i. Maintenance of local collective bargaining and union security clauses, including agency shop provisions, in order to assure teachers of their collective rights and representation during the period of reorganization.

j. Provision of in-service education and human relations and multiethnic training for teachers and other school personnel groups at school district expense.

2. The local associations involved, with the assistance of the state associations should do the following:

a. Establish close working relationships and continuing communications with association leaders in all districts involved.

b. Sponsor programs promoting the development of relationships among teachers, students, and parents in the various communities through such means as student-teacher visitations and exchanges, joint meetings and workshops.

c. Reassure members that the associations will continue to work for their best interests through negotiations and legal action as necessary at each step of the process.

d. Maintain a continuing information program to reduce misunderstandings and rumors, to enhance communications among all parties, and to ensure early and accurate dissemination of information.

e. Take steps to participate in desegregation suits involving the local school systems at the earliest possible stage of such litigation. Efforts should be made to assure that the ratio of ethnic minority staff shall reflect at least the ethnic minority proportion of the student population. Efforts should be made to employ ethnic minority educators in addition to those educators who reflect the dominant groups in the student population.

f. Notify authorities in all school districts involved that contract requirements must be observed and that any modifications of existing contract provisions, unless required by court order, must be negotiated by the association.

3. The state association, functioning in a coordinating capacity, should assist local associations in the same ways identified for desegregation of single school systems. In addition, the state association should do the following:
   a. Evaluate conditions in areas which may in the future become involved in metropolitan desegregation, reorganization, or consolidation.
   b. Develop, in cooperation with local association leaders, plans and programs for coping with the anticipated changes.

FACTORS CONTRIBUTING TO RESEGREGATION

Even where effective integration has occurred, certain factors can cause a recurrence of racial and ethnic isolation. This isolation is often referred to as "resegregation." The term may be applied to a school system, school, or classes; to the student population or the teaching staff; or to the educational program.

A number of factors inhibit effective integration and contribute to resegregation. These factors and their results are described below.

"White flight" is the movement of white students from a desegregated school system to a suburban school district or to private or parochial schools. A significant amount of white flight is really white displacement resulting from the expansion of ethnic minority residential areas in the central city and the growth of predominantly white suburbs.

The use of standardized tests or competency-based tests in conjunction with a program of ability grouping or tracking tends to lead to segregated learning situations. Standardized tests are generally developed and normed for students of Anglo-American middle-class culture and economic status. As a result, when standardized test scores are used to determine ability grouping, the groups are apt to break along racial and ethnic lines. When competency-based tests are administered for purposes of remediation, the remediation results in the tracking of students along predictable racial or ethnic characteristics. When competency-based tests are administered to determine qualification for graduation, a disproportionate number of ethnic minority students fail to qualify.

Displacement of ethnic minority students occurs when students leave or are removed from school because policies, practices, or learning opportunities are inadequate to meet their special needs. There are two primary causes of the "student pushout" phenomenon:

1. A double standard of discipline, whereby different groups of students are treated differently—either more harshly or more leniently—because of group identification. For example, the suspension and expulsion rates of ethnic minority students are two to four times as great as those of nonminority students.

2. The assignment of students to special education, compensatory education, or alternative programs that limit educational opportunity.

The displacement of ethnic minority educators occurs when special program personnel are reassigned or when school budget cuts instituted at the same time as desegregation lead to the loss of teaching positions. An example may be seen in the massive demotions of Black teachers and principals which occurred in many formerly dual school systems in the South. By 1972, the NEA had identified a loss of more than 39,000 teaching positions which would have been filled by Black educators. American Indian, Asian, and Hispanic teachers also have been displaced by program termination. The following practices led to the displacement of educators:

1. Dismissals, demotions, and reassignments of ethnic minority and nonminority educators in conjunction with desegregation.
2. The use of the National Teacher Examination and other tests to dismiss teachers in service and to limit employment of ethnic minority teachers when positions become available.
3. The reassignment of teachers outside their grade level or subject specialties.
4. The failure to employ ethnic minority teachers when positions become available.

The elimination of special programs geared to the needs of specific student groups is apt to occur when ethnic minority teachers or students are dispersed so that they are denied equal access to educational opportunity. Bilingual/multicultural programs are often particular victims of such practices. There has been a tendency in some cities to disperse ethnic minority and special teachers and to leave students in essentially segregated learning environments.

CONCLUSION

The local association should monitor every step of the desegregation process to avoid or minimize the problems relating to desegregation. The local should examine educational conditions throughout the school system to assure that–

- Every vestige of discrimination, segregation, and unfair treatment has been removed.
- The school system's policies and practices are such that no student is treated unfairly or denied opportunity because of economic status, sex, or racial, cultural, ethnic, or religious identification.
- The schools and learning experiences are organized in such a way that true integration–respect for individual differences and values within an integrated, multicultural, pluralistic setting–is an expected outcome.

Appendix A

NEA RESOLUTIONS ON DESEGREGATION AND INTEGRATION AND ON STUDENT TESTING

H-1. Integration in the Public Schools

The National Education Association believes it is imperative that full integration of the nation's schools be effected.

The Association recognizes that acceptable integration plans will include affirmative action programs and a variety of devices such as geographic realignment, pairing of schools, grade pairing, and satellite magnet schools. Some arrangements may require busing of students in order to comply with established guidelines adhering to the letter and spirit of the law.

The Association will assist its affiliates to assure that educators, parents, and students are involved in the development of plans designed to achieve integration. It urges state and federal agencies to provide funds necessary to implement integration programs, including funds for student transportation. The Association also urges participation in citizen advisory committees consisting of teachers, parents, representatives of community organizations, business, clergy, media, and ethnic representatives in developing and implementing student desegregation plans.

The Association will continue to oppose vigorously the systematic displacement or demotion of Black teachers and administrators to achieve integration. It also opposes actions of boards of education to finance integration plans through reduction of school staff. (69, 70, 74, 77)

78-86. Desegregation Delay

The National Education Association opposes any attempts to delay or impede implementation of desegregation orders.

H79-84. Student Testing

The National Education Association recognizes that testing of students may be appropriate for such purposes as–

a. Diagnosing learning needs
b. Prescribing instructional activities
c. Measuring student progress in the curriculum content utilizing tests prepared or selected by the classroom teacher.

The Association opposes the use of tests that deny students full access to equal educational opportunities.

The Association opposes the use and will continue to seek the elimination of standardized tests, which are–

a. Damaging to a student's self-concept and contributing to the self-fulfilling prophecy whereby a student's achievement tends to fulfill the negative expectations held by others.
b. Biased against those who are economically disadvantaged or who are culturally and linguistically different.
c. Used as the only means for tracking students.
d. Invalid, unreliable, out-of-date, or restricted to the measurement of cognitive skills.
e. Used as a basis for the allocation of federal, state, or local funds.
f. Used by book publishers and testing companies to promote their financial interests rather than to improve measurement and instruction.
g. Used by the media as a basis for invidious public comparisons of student achievement test scores.
h. Used to test performance levels as a criterion for high school graduation.
i. Inappropriate for the use intended.
j. Used to evaluate teachers. (78)

Appendix B

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Appendix C

RESOURCES AVAILABLE TO LOCAL LEADERS INVOLVED IN DESEGREGATION

Teacher associations may be able to secure technical information and assistance from the following federal agencies, regional offices of the Department of Health, Education, and Welfare, and desegregation assistance centers. It should be noted that some of the names and structures will change when the new Department of Education becomes operational.

Federal Agencies

Department of Justice

Assistant Attorney General
Civil Rights Division
Washington, D.C. 20530

Community Relations Service
550 - 11th Street, N.W.
Washington, D.C. 20202

Department of Education

Office for Civil Rights
300 Independence Avenue, S.W.
Washington, D.C. 20201

Equal Educational Opportunity Division
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Desegregation Studies Staff
National Institute of Education
1200 - 19th Street, N.W.
Washington, D.C. 20208

U.S. Commission on Civil Rights

1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Department of Education Regional Offices

Region I – Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

John F. Kennedy Federal Building, Room 2403
Boston, Massachusetts 02203
(617) 223-7500, 4558

Region II – New York, New Jersey, Puerto Rico, Virgin Islands

26 Federal Plaza, Room 3944
New York, New York 10007
(212) 264-4370

Region III – Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

3535 Market Street, Room 16280
Philadelphia, Pennsylvania 19101
(215) 596-1001

Region IV – Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

101 Marietta Tower, Suite 2221
Atlanta, Georgia 30323
(404) 221-2063

Region V – Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

300 South Wacker Drive, Room 3214
Chicago, Illinois 60606
(312) 353-5215

Region VI – Arkansas, Louisiana, New Mexico, Oklahoma, Texas

1200 Main Tower Building, Room 1460
Dallas, Texas 75202
(214) 767-3626

Region VII – Iowa, Kansas, Missouri, Nebraska

601 East 12th Street, Room 360
Kansas City, Missouri 64106
(816) 374-2276

Region VIII – Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Federal Office Building, Room 380
19th and Stout Streets
Denver, Colorado 80294
(303) 837-2544

Region IX – American Samoa, Arizona, California, Guam, Hawaii, Nevada, Northern Mariana Islands, Trust Territory of the Pacific Islands

50 United Nations Plaza, Room 205
San Francisco, California 94102
(415) 556-4920

Region X – Alaska, Idaho, Oregon, Washington

Arcada Plaza Building, Room 515
1321 Second Avenue
Seattle, Washington 98101
(206) 442-0460

Desegregation Assistance Centers for Race

(Authorized by Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c.)

Service Area (1): ME, NH, VT, MA, CT, RI
Mr. James Barnes, Director
Desegregation Assistance Center for Race
New England Equal Education Center
University of Hartford
38 Woodlawn Street
Hartford, Connecticut 06105
(203) 522-7166

Service Area (II): NY, NJ, PR, VI
Dr. Edmund Gordon, Director
Desegregation Assistance Center for Race
Teachers College, Columbia University
Institute for Urban Minority Education
525 West 120th Street
New York, New York 10027
(212) 678-3350

Service Area (III): PA, DE
Dr. Ogle Duff, Project Director
Desegregation Assistance Center for Race
University of Pittsburgh
4029 Bigelow Boulevard
Pittsburgh, Pennsylvania 15260
(412) 624-5855

Service Area (IV): MD, VA, WV, DC
Dr. Howard W. Allen, Director
Desegregation Assistance Center for Race
University of Virginia
School of Education
Ruffner Hall, Emmet Street
Charlottesville, Virginia 22903
(804) 924-35227

Service Area (V): KY, TN, NC, SC
Dr. Frederick P. Venditti, Director
Desegregation Assistance Center for Race
224 Henson Hall
Educational Planning Center
University of Tennessee
Knoxville, Tennessee 37916
(615) 974-6638

Service Area (VI): MS, AL, GA, FL
Dr. Gordon Foster, Director
Desegregation Assistance Center for Race
University of Miami
School of Education
P. O. Box 248065
Coral Gables, Florida 33124

Service Area (VII): MN, WI, MI
Dr. Charles D. Moody, Sr., Director
Desegregation Assistance Center for Race
University of Michigan
School of Education
Ann Arbor, Michigan 48109
(313) 763-9910

Service Area (VIII): IL, IN
Dr. Frank Aquila, Director
Desegregation Assistance Center for Race
Indiana University–School of Education
902 North Meridian Street
Indianapolis, Indiana 46204
(317) 264-2921

Service Area (IX): OH
Dr. Robert Evans, Project Director
KEDS – Desegregation Assistance Center for Race
Kent State University
301 Wright Hall
Kent, Ohio 44242
(216) 672-2828 or 672-2829

Service Area (X): IA, NB, KS, MO
Dr. Charles Rankin, Director
Desegregation Assistance Center for Race–Midwest
Kansas State University
Department of Administration and Foundation
Holton Hall
Manhattan, Kansas 66506
(913) 532-5541

Service Area (XI): AR, LA, OK
Dr. Joe Garrison, Director
Desegregation Assistance Center for Race
Consultative Center for Equal Educational Opportunity
The University of Oklahoma
555 Constitution Avenue
Norman, Oklahoma 73069
(405) 325-1841

Service Area (XIII): ND, SD, MT, CO, WY, UT

Mr. Richard Thomas, Director
Desegregation Assistance Center for Race
Weber State College – 1101
3750 Harrison Boulevard
Ogden, Utah 84408
(801) 399-6635

Service Area (XIV): CA, AZ, NV, HI, GU, Trust Terr., Am. Samoa, Commonwealth of the N. Mariana Islands

Dr. Leonard Beckum, Director
Desegregation Assistance Center for Race
Service Training and Research in Desegregated Education (STRIDE)
Far West Laboratory for Educational Research and Development
1855 Folsom Street
San Francisco, California 94103
(415) 565-3079

Service Area (XV): OR, WA, ID, AK

Dr. Richard Withycombe, Director
Desegregation Assistance Center for Race
School of Education
Portland State University
P. O. Box 751
Portland, Oregon 97207
(503) 229-4624

Project Officer: Washington, D.C.

Mr. Elton W. Ridge, Director
Ms. Delia Alpert, Branch Chief
DTA, EEOP
400 Maryland Avenue, S.W.
Washington, D.C. 20202
(202) 245-8840

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